

What You Need to Know About Drug Testing in Nederland ISD

A Question and Answer Document

GENERAL QUESTIONS

Why does NISD plan to implement a drug testing program?

NISD is concerned about the academic, physical and emotional well-being of all its students, and believes it has a responsibility to assist students in dealing with a variety of teen issues including drug and alcohol use. The drug-testing program is only one part of a comprehensive Safe and Drug Free Schools and Communities program. It is designed to identify students in need of help and to provide them, and their parents, with the necessary resources to deal with substance abuse and other issues.

What is the overall purpose of the drug-testing program?

- To provide for the health and safety of students.
- To undermine the effects of peer pressure by providing a legitimate reason for students to refuse illegal use of drugs.
- To encourage students who use drugs to participate in drug treatment programs.

Which students will be subject to random drug testing?

All District-wide identified organizations and activities subject to this program include, but are not limited to:

Academic Challenge	Golden Guardians
Academic Decathlon	Health Occupations Students of America
Accounting Club	Journalism Club
Annual Staff	Key Club
Athletics	Ned & Company
Auto Mechanics Club	School Newspaper Staff
Band	Spanish Honor Society
Business Professionals of America	Spanish Club
Cheerleaders (mascots)	Student Council
Choral Music	Teen Team City
Criminal Justice Club	Terrific Nederland Teens
Debate Team	Texas Association of Future Educators
DECA	(TAFE)
Family, Career and Community Leaders of America (FCCLA)	Theatre Arts
Fellowship of Christian Athletes	UIL Academic TEAMS
Future Farmers of America (FFA)	Vocational Industrial Clubs of America
First Priority	(VICA)
French Club	Welding Club
	Westernaires

In addition to the district-wide list of identified organizations and activities subject to the random drug-testing program, campus administrators may also identify other campus-specific extracurricular activities to be included in the district's random drug-testing program.

How is an “extracurricular activity” which would be subject to this policy defined?

An extracurricular activity is an activity sponsored by the University Interscholastic League (UIL), the NISD Board of Trustees, or an organization sanctioned by resolution of the Board. The activity is not necessarily related to instruction of the essential knowledge and skills but may be indirectly related to some areas of the curriculum. Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity shall be subject to this policy and considered to be extracurricular **if any one** of the following criteria applies:

- The activity is competitive;
- The activity is held in conjunction with another activity that is considered to be extracurricular;
- The activity is held off campus, except in a case in which adequate facilities do not exist on campus;
- The general public is invited;
- The activity is the result of being elected or appointed to a position of leadership or honor; or,
- An admission is charged.

Can a student who does not participate in any extracurricular activity or is not a student driver participate voluntarily in the Drug Testing Program?

Any student in grades 7-12 can participate in the program however; before voluntary participation is approved the student must submit a properly completed NISD Random Drug Testing Program Participation Agreement and Consent Form to the campus principal or principal's designee. If the student is under the age of 18, the student's parent(s) or legally-ordered guardian(s) shall also sign the form. At any time, upon written request, a student participating on a voluntary basis may withdraw from the Random Drug Testing Program without consequence.

What is the cost of drug testing to the District?

The cost of drug testing for the 2005-06 school year is expected to be approximately \$20 per student.

Who will provide the drug-testing services?

Drug testing will be provided by an independent testing laboratory that is certified by the Substance Abuse and Mental Health Services Administration and approved by the Nederland Independent School District Board of Trustees.

What does the drug-testing process include?

The drug-testing procedures include a four-step process: specimen collection, screening, confirmation, and review.

What method of drug-testing will be used?

Urinalysis will be the method used. This method, which is the most commonly used for drug-testing, is recommended because of its accuracy and reliability.

How often will drug testing be done?

Drug-testing will take place on a weekly basis at one or more of the secondary schools in the district.

Can a student be chosen for drug-testing more than once?

Since the selection for drug-testing is random and suspicion less, a student may be selected for drug-testing more than once during the year.

SPECIMEN COLLECTION AND TESTING**Do students and parents have to sign a consent form for the student to participate in testing?**

Both the parent/guardian and student must sign the consent form authorizing the student's participation in the District's drug-testing program if the student is 17 years of age or younger. The law allows students 18 years of age or older to consent to testing without parent/guardian consent.

What if I don't consent to my child being tested, will they still be eligible to participate in extracurricular activities or have driving privileges?

If the student is 17 years of age or younger both the student and the parent must consent to drug testing for the student to participate in extracurricular activities subject to this policy or have driving privileges at school. However, there is an exception, only consent of the student is required if the student is 18 years of age or older.

How will students be selected for drug-testing?

Selections for drug-testing are random and suspicion less. Students who are identified for inclusion in the drug-testing program will be placed in a pool from which the random selections will be made. The independent laboratory chosen to conduct the drug-testing will be responsible for randomly selecting students from established pools using electronic methods.

What happens if a student is selected for drug-testing and refuses to be tested?

Students who are selected for drug-testing and refuse to participate will be treated as if they received a positive result and will lose extracurricular activities and/or driving privileges.

If a student is chosen for drug-testing, but is absent that day, will he/she be tested upon returning to school?

Students who are not present on a day they are selected for drug-testing will be replaced by another student from the pool and will not be tested upon return to school. Any student who is selected for random drug testing but who, because of illness or any other legitimate reason, leaves school before the test is performed, shall be included in the next campus random drug-testing. A student who is truant after being notified that he/she has been selected for drug-testing will be considered as having tested positive. Refusal on the part of any student to participate in a scheduled or random drug test shall be considered as having tested positive.

Who will oversee the specimen collection process?

The employees of the independent testing laboratory will oversee the collection of samples for testing.

Where on campus will the specimens be collected?

Specimens will be collected in a suitable restroom collaboratively chosen by the campus principal or designee and a representative from the independent drug testing laboratory.

How will the student's privacy be ensured during specimen collection?

An independent testing laboratory employee will be in the collection area to ensure the validity of the sample; however, a campus monitor will be positioned in areas adjacent to the restroom being used to maximize student privacy.

How many specimens will be taken?

One specimen is collected and that specimen will be divided into two parts in the student's presence. Part A will be used for the initial testing. If the test result of Part A is positive for drugs or alcohol, a confirmation test will be conducted on Part A. Part B will be frozen and reserved for outside testing in the event of a challenge of a positive test result by the student or parent/guardian. All costs associated with testing the second half of the specimen will be the responsibility of the student and parent/guardian.

For what substances will students be tested?

Drug-testing will include, but not be limited to, the following substances:

- Drugs that an individual may not buy, possess, or use without a prescription, or sell or distribute under either federal or Texas law. Such drugs include, but are not limited to, marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine, methadone, barbiturates, and propoxyphene.
- All prescription drugs upon reasonable suspicion that they were obtained without authorization.
- All prescription and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner.
- Performance-enhancing drugs.

The district shall reserve the right to test for any and all illegal or controlled substances.

CONFIRMATION AND REVIEW**What happens if a student tests positive for drugs/alcohol?**

If a student tests positive, the independent testing laboratory will first further test the specimen using Gas Chromatography/Mass Spectrometry (GC/MS) methodology. If the specimen still tests positive, the testing laboratory will contact the student's parent or guardian to determine whether there is an alternative medical explanation for the positive test result. If there is no medical explanation for a positive result, the District will be notified.

Will I receive notification if my child tests negative?

Parents are only contacted by the testing laboratory if a student tests positive for drugs or alcohol.

What happens if my child receives a “false positive?”

There is no such thing as a false positive. A test result is either positive or negative. Parents will be contacted in the event of a positive test result and asked if there is an alternative medical explanation for a positive result, i.e., a prescription medication.

Is there a confirmation test on specimens that test positive on the immunological screening?

Any specimens that test positive will be confirmed by Gas Chromatography/Mass Spectrometry (GC/MS) methodology.

How confidential are the drug-testing results?

The independent testing laboratory will retain control of all student records related to drug-testing and will only communicate information related to a positive test result to the parent or guardian and the District’s designated contact.

CONSEQUENCES

What sanctions are imposed for a positive test?

The District policy describes sanctions for a first, second, and third positive test result.

After one positive test result, a student shall be suspended from participation in extracurricular activities and/or driving a vehicle on campus for thirty (30) consecutive academic days.

To be eligible to resume extracurricular activity participation and/or driving a vehicle on campus a student shall:

- Participate in follow up drug testing provided by the district and must test negative each time tested.
- Participate in a program of substance abuse counseling conducted by a Certified Chemical Dependency Counselor approved by the Board’s designee.

After a second positive test result, a student shall be suspended from participation in extracurricular activities and/or driving a vehicle on campus for 120 consecutive academic days.

To be eligible to resume extracurricular activity participation and/or driving a vehicle on campus after the period of suspension, a student shall:

- Participate in follow up drug testing provided by the district and must test negative each time tested.
- Participate in a program of substance abuse counseling conducted by a Certified Chemical Dependency Counselor approved by the Board’s designee.

After a third positive test result, a student shall be permanently suspended from participation in extracurricular activities and/or driving a vehicle on campus.

Is there an appeals process?

A student and/or parent/guardian may choose to have the second part of the specimen obtained during collection sent to an alternative-testing lab for independent testing. The student/parent and the laboratory that conducted the initial test must mutually agree upon the independent lab selected for testing the second part of the specimen. All costs associated with testing the second part of the sample will be the responsibility of the student and parent/guardian. A student and/or parent/guardian may appeal a suspension under the drug-testing policy by filing a written complaint according to the provisions and timelines as set forth in policy FNG (LOCAL) as related to STUDENT AND PARENT COMPLAINTS.

Are there disciplinary consequences for testing positive?

The drug-testing policy is intended to identify those students in need of assistance in dealing with drug and alcohol issues. Students who test positive for drugs or alcohol will not receive any disciplinary consequences. The result of testing positive for drugs or alcohol is the loss of extracurricular activity privileges and/or driving privileges as previously described.

Does a student testing positive for drugs provide “reasonable suspicion” to conduct a locker or vehicle search?

The only consequences for testing positive are suspension from participation in extracurricular activities and/or loss of driving privileges as previously described.

Will law enforcement be notified or intervene in any way in case of a positive result.

The only consequences from testing positive are suspension from participation in extracurricular activities and/or loss of driving privileges as previously described.

STUDENT ASSISTANCE**Will counseling be made available for students who test positive for drugs or alcohol? How about their parents?**

Substance abuse counseling conducted by a Certified Chemical Dependency Counselor approved by the Superintendent will be available to students. Counseling services will not be provided to parents, but professional consultation will be available.

Will the District provide any drug rehabilitation or recovery services?

The District will not provide any rehabilitation or recovery services, or provide funding for a student to attend such a program. The District will assist the family in identifying appropriate non-school community resources if necessary.

Who can be contacted if I have additional questions?

The principals, as well as the assistant principals, on the secondary school campuses in the district should be able to address most questions. Person(s) that can be contacted at the district level include Stuart Kieschnick, Assistant Superintendent for Curriculum and Instruction.

Where as a parent can I go to get more information about drug testing in public schools and about substance abuse in general?

The Office of National Drug Control Policy, <http://www.whitehousedrugpolicy.gov/>, provides information and resources on policies regarding drug-testing in schools, as well as information on substance abuse.